

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

**Joseph F. Hutchinson, et al.,
Plaintiffs**

-vs-

Case No. 1:01-cv-789

**Fifth Third Bancorp,
Defendant**

JUDGMENT

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that defendant's motion for summary judgment is GRANTED. Plaintiffs' motion for summary judgment is DENIED. Plaintiffs' motion for class certification and Defendant's motion to strike are MOOT. The second amended complaint is dismissed with prejudice.

Date: October 7, 2005

James Bonini, Clerk

By: s/Mary C. Brown
Mary C. Brown, Deputy Clerk